

FILED

MAR 18 2015

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY
ACTION OF FIDELITY EXPLORATION &
PRODUCTION COMPANY FOR AN ORDER
AUTHORIZING THE FLARING OF GAS IN EXCESS OF
THE AMOUNTS ALLOWED UNDER UTAH ADMIN.
CODE RULE R649-3-20(1.1) FROM THE CANE CREEK
UNIT 32-1-25-19 WELL LOCATED IN SECTION 32,
TOWNSHIP 25 SOUTH, RANGE 19 EAST, SLM,
GRAND COUNTY, UTAH

**MOTION FOR DISMISSAL
WITHOUT PREJUDICE**

Docket No. 2015-011

Cause No. 196-45

COMES NOW, Fidelity Exploration & Production Company ("Fidelity"), acting by and through its attorneys, MacDonald & Miller Mineral Legal Services, PLLC, and pursuant to Utah Admin. Code Rule R641-105-300, and hereby respectfully requests the Utah Board of Oil, Gas and Mining (the "Board") to dismiss Fidelity's Request for Agency Action in this cause (the "RAA") without prejudice. Since responsive letters were filed by William Rau, William E. Love and the National Park Service, a formal dismissal by the Board, rather than a mere voluntary withdrawal by Fidelity, is required. See, *e.g.*, Utah Rules of Civil Procedure Rule 41(a).

The RAA was filed as a precautionary measure in the event the volumes of gas produced from the Cane Creek Unit 32-1-25-19 Well remained above the regulatory limits for flaring under Utah Admin. Code Rule R649-3-20(1.1). However, the volumes since the filing of the RAA have now declined and are expected to stay below those regulatory limits,

rendering the need for extension of flaring authorization beyond March 31, 2015 moot. The RAA should therefore be dismissed without prejudice. A proposed Order of Dismissal is submitted herewith.

Respectfully submitted this 18th of February, 2015.

**MACDONALD & MILLER MINERAL
LEGAL SERVICES, PLLC**

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& Production Company

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF FIDELITY EXPLORATION & PRODUCTION COMPANY FOR AN ORDER AUTHORIZING THE FLARING OF GAS IN EXCESS OF THE AMOUNTS ALLOWED UNDER UTAH ADMIN. CODE RULE R649-3-20(1.1) FROM THE CANE CREEK UNIT 32-1-25-19 WELL LOCATED IN SECTION 32, TOWNSHIP 25 SOUTH, RANGE 19 EAST, SLM, GRAND COUNTY, UTAH

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

Docket No. 2015-011

Cause No. 196-45

The Board of Oil, Gas and Mining, having fully considered Fidelity Exploration & Production Company's Motion for Dismissal Without Prejudice filed March 18, 2015, and finding good cause therefor, hereby grants said Motion. Fidelity's Request for Agency Action filed in this Cause is hereby dismissed without prejudice.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this _____ day of March, 2015.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____
Ruland J. Gill, Jr., Chairman

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of March, 2015, I caused a true and correct copy of the foregoing Motion for Dismissal Without Prejudice and Proposed Order of Dismissal Without Prejudice to be sent electronically (where e-mail addresses are indicated) and/or mailed, postage pre-paid, to the following:

William Rau, Ph.D.
HC 64 Box 3612
Castle Valley, UT 84532

William E. Love
2871 E. Bench Road
Moab, UT 84532

U.S. Department of the Interior
Nat. Park Service - Southeast Utah Group
Attn: Kate Cannon, Superintendent
2282 S. West Resource Blvd.
Moab, UT 84532-3298

ExxonMobil Corporation
Attn: Ken Hilger, CPL
P.O. Box 4610
Corp-Wgr-702
Houston, TX 77210-4610

FREI LLC-II
Attn: Land Department
324 Garden Street
Golden, CO 80403

Front Range Energy Investors LLC
Attn: Land Department
324 Garden Street
Golden, CO 80403

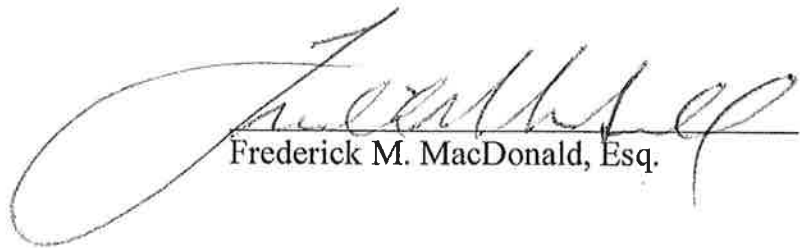
State of Utah School and Institutional Trust
Lands Administration
Attn: Ms. Lavonne Garrison
675 East 500 South, Suite 500
Salt Lake City, UT 84102
E-mail: lavonnegarrison@utah.gov

Bureau of Land Mgmt. - Utah State
Office
Attn: Roger L. Bankert
440 West 200 South, Suite 500
Salt Lake City, UT 84101
E-mail: rbankert@blm.gov

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Moab Field Office
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